

### **REMARKS**

Examiner Kiss and SPE Tuan Dam are thanked for the courtesy extended during the Office Interview on August 10, 2005.

The Interview Summary is believed to accurately reflect what was discussed during the Interview.

Reconsideration of the rejection of Claims 1-3, 7, 9, 10 and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,786,998 to Nesson et al. in view of U.S. Patent No. 5,533,695 to Heggestad et al., and Claims 4, 20, 21, 46-49, and 51 further in view of Cowan (U.S. Patent No. 5,848,064), Swensen et al. (U.S. Patent No. 5,420,883), Ehrenberger et al. (U.S. Patent No. 5,785,283) and Michalek (U.S. Patent No. 5,620,155) is hereby requested.

Claim 1 has been amended (See, for example, the Specification at page 3, lines 19-32 and at page 8, beginning at line 5 and continuing through page 9, line 12 for support for the amendments). Amended Claim 1 recites:

A method of transferring files between a computer onboard a train and remote base stations, the computer having a data base, the data base including track structure information and location information about multiple remote base stations, the method comprising:

collecting one or more of event recorder data, train performance data and track data from onboard in files on the on-board computer;

determining from the data base the location of the train relative to the track structure and whether the train is within communication range of one of the remote base stations, the determining being made by using location information about the train, information about the track structure and location information about the multiple remote base stations from the data base stored on the computer onboard the train;

establishing from onboard the train a wireless communication with one of the multiple remote base stations determined to be within communication range; and

determining onboard the train which of the files are new since a last transmission and transferring the new files to one of the multiple remote base stations determined to be within communication range. (deletions are lined out and additions are underlined).

The present disclosure, inter alia, is directed to a method for transferring files from a computer onboard a train to remote base stations. It further, relates to a method involving the collection of operational data on a computer onboard a train (locomotive) and the onboard computer includes a data base. The data base includes track structure information and location information about multiple remote base stations. **On-board the locomotive and from the data base**, the location of the train relative to the track structure is determined and it is also determined onboard whether the train is within communication range of one of the multiple remote base stations. Both of those determinations are made by using track structure information, location information about the train and location information about the multiple remote base stations stored in the data base on the computer onboard the train. After that, from onboard the train, a wireless communication is established with one of the multiple remote base stations that was determined to be within communication range. It is further determined onboard the train which of the files are new since a last transmission, and the new files are transferred to one of the multiple remote base stations determined to be within communication range.

Applicants respectfully assert that none of the applied prior art references, individually or in combination, disclose, teach or suggest the following as recited in amended Claim 1: “A method of transferring files between a computer onboard a train and remote base stations, the computer having a data base, the data base including track structure information and location information about multiple remote base stations, the method comprising...determining from the data base the location of the train relative to the track structure and whether the train is within communication range of one of the multiple remote base stations, the determining being made by using location information about the train, information about the track structure and location information about the multiple remote base stations from the data base stored on the computer onboard the train.”

Applicants respectfully further assert that in the disclosure of Heggstad et al., the train is provided information about its location and the local area from a wayside control unit (WCU) (see Heggstad et al., col. 7, lines 11-14). Heggstad et al. does not disclose, teach or suggest that its onboard computer includes profile information about multiple remote base stations nor does it disclose, teach or suggest that a given wayside control unit (WCU) includes or transfers information about multiple remote base stations (or WCU's). The train in Heggstad et al. needs to communicate with a Wayside Interface Unit (WIU), which is part of the WCU, to determine the train's location (see Heggsted et al. col. 9, line 15 through col.

10, line 25) and to be told where to call for a route profile. In contrast, in the instant application, the computer having the data base onboard the train determines the train's location relative to the track structure and whether the train is within communication range of one of the multiple remote base stations from the data base on the onboard computer.

Based upon the above and the agreement reached during the Interview, as reflected in the Interview Summary, Applicants respectfully assert that Claim 1 is now in condition for allowance, and such is respectfully requested.

Claims 2-4, 7, 9-10, 15-21, 46-49 and 51 depend from Claim 1 and are considered to be in condition for allowance for at least the same reasons as Claim 1, as well as for their own limitations, and such is respectfully requested.

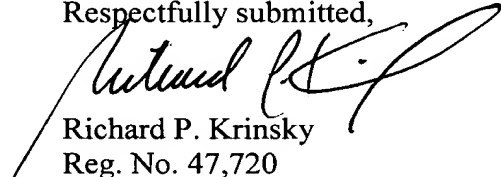
Claims 12-14, which depend from Claim 1 and which were previously withdrawn, are now in condition for allowance for at least the same reasons as Claim 1, and for their own limitations as well, and such is respectfully requested.

The Specification at page 2, line 25 and page 6, line 29 have been amended for clarification and convenience purposes to provide an alternative phrase "remote base station" that refers to the same structure as the phrase "remote station", and which are identified as "26" in the Specification and Drawings. The Specification at page 3, line 30 and page 11, line 30 have also been amended for clarification and convenience to provide, respectively, for alternative phrases "home base station" and "remote home base station" that refer to the same structure, and which is identified as "40" in the Specification and Drawings. For support, see the Specification at, for example, page 3, lines 27-33 and page 4, lines 1-15. Claims 1-4, 10, 12, 15-17, 19-21 and 46 have been amended for clarification purposes related to the above-referenced phrases.

In view of all of the above, Claims 1-4, 7, 9-10, 12-14, 15-21, 46-49 and 51 and the Application are now deemed to be in condition for allowance and such is respectfully requested.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg LLP, Deposit Account No. 02-1010 (509/35644).

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard P. Krinsky", is written over the typed name.

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Enclosures: